



General Assembly

January Session, 2005

Amendment

LCO No. 7437

SB0090007437SD0

Offered by:

SEN. MEYER, 12th Dist.

SEN. HARP, 10th Dist.

SEN. WILLIAMS, 29th Dist.

To: Senate Bill No. 900

File No. 445

Cal. No. 347

"AN ACT CONCERNING JUVENILE REVIEW BOARDS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2005*) (a) There is established
4 within the Judicial Department a Diversion First pilot program to
5 divert juveniles who are first time offenders or who have been charged
6 with minor offenses from the court system. The Judicial Department
7 shall operate the program in an urban, suburban and rural
8 municipality. Referral to the program shall be considered by local
9 police authorities before referral is made to juvenile court. The pilot
10 program shall be developed by the Judicial Department, in
11 consultation with an advisory committee of the youth service bureau
12 directors and the office of the Chief Public Defender. When developing
13 the pilot program, consideration shall be given to incorporating
14 recommended policies and procedures from the Connecticut Juvenile

15 Justice Advisory Committees' Report on Children, Youth and Police.

16 (b) Existing community services shall be utilized for juveniles and
17 their families who have been referred to the program. The department,
18 in conjunction with the three municipalities in which the pilot program
19 is operated pursuant to subsection (a) of this section, and any youth
20 service bureaus servicing such municipalities pursuant to section 10-
21 19m of the general statutes, shall identify all available community
22 services and any gaps in such services for juveniles and their families
23 who are referred to the program.

24 (c) The department shall design the program to: (1) Provide access
25 through a single point of entry, (2) include a centralized decision-
26 making process regarding eligibility, service referrals, service
27 coordination and tracking, (3) include referrals to a network of
28 community-based agencies that provide such services as anger
29 management, family counseling, substance abuse education,
30 assessment and treatment for substance abuse, specialized services for
31 domestic violence, community service opportunities and collaboration
32 with local school systems for tutoring, special education services and
33 truancy prevention. The program shall also provide opportunities for
34 victim input in a restorative justice model and for measurable
35 outcomes, as described in subsection (g) of this section.

36 (d) Under the pilot program, juvenile court referral and the use of
37 judicial sanctions shall be utilized only as an intervention of last resort.
38 A case of a first time juvenile offender or a nonserious juvenile
39 offender may be disposed by the issuance of a verbal warning and
40 release, conference with the juvenile and the juvenile's parents or
41 teachers, referral to the pilot program or referral to the juvenile court,
42 except that referral to the juvenile court shall be an intervention of last
43 resort. Local police authorities from each of the three municipalities in
44 which the pilot program is operated shall maintain data on the number
45 of referrals they make to the pilot program and the number of referrals
46 they make to the juvenile court system. Such data shall include the age,
47 gender, race and ethnicity of referred juveniles. Such data shall be

48 reported quarterly to the Commission on Racial and Ethnic Disparity
49 established pursuant to section 51-10c of the general statutes.

50 (e) Law enforcement officials, community-based service providers,
51 educational and vocational resource providers, the Judicial Branch, the
52 Department of Children and Families, the Division of Criminal Justice,
53 referred juveniles and their families may collaborate and share
54 information, subject to confidentiality laws regarding juvenile matters,
55 to implement the provisions of sections 1 to 3, inclusive, of this act.

56 (f) If a juvenile or the juvenile's family fails to comply with the
57 requirements of the pilot program, such failure to comply shall be
58 documented, in writing, and the juvenile's case shall be referred to the
59 juvenile court.

60 (g) To evaluate the effectiveness of the pilot program and to assess
61 the need for additional protocols and interventions, the Judicial
62 Department shall establish measurable outcomes, which shall include,
63 but not be limited to, data collected by local police authorities pursuant
64 to subsection (d) of this section. The outcomes shall be reported to the
65 Commission on Racial and Ethnic Disparity, which shall review such
66 outcomes on a quarterly basis and develop a uniform record keeping
67 tool for the program. The Judicial Department and the commission
68 shall semiannually submit a report on the status of the pilot program,
69 in accordance with section 11-4a of the general statutes, to the General
70 Assembly.

71 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) All cases that have been
72 referred to the pilot program shall be processed through a single point
73 of entry pursuant to subsection (c) of section 1 of this act. Upon
74 determination that there is probable cause to arrest a juvenile for an
75 offense, other than a serious juvenile offense, as defined in subdivision
76 (12) of section 46b-120 of the general statutes, the arresting officer shall
77 refer the case to the program coordinator or the designated contact
78 person. The program coordinator or contact person shall review the
79 case for eligibility in the program. The review shall include: (1) The

80 nature of the alleged offense, (2) the age of the juvenile, (3) the
81 juvenile's past police involvement, if any, (4) the juvenile's gang
82 affiliation, if any, (5) the attitude of the juvenile and the juvenile's
83 parents or guardians regarding referral for treatment or rehabilitation,
84 (6) the juvenile's family, school and community status, (7) the
85 availability of community-based programs to benefit the juvenile and
86 the juvenile's family, (8) the likelihood that an alternative referral will
87 prevent further delinquent behavior by the juvenile, (9) victim impact,
88 (10) recommendations of other agencies or professionals providing
89 services to the juvenile, if any, and (11) public safety.

90 (b) Prior to referring a juvenile to the pilot program, local police
91 authorities shall verify that: (1) The juvenile has committed a crime, (2)
92 the juvenile has acknowledged responsibility for his or her behavior,
93 (3) the behavior is likely to require juvenile court referral, (4) the
94 juvenile and the juvenile's parents or guardians have agreed, in
95 writing, to comply with program requirements, and (5) the juvenile
96 and the juvenile's parents or guardians have been notified, in writing,
97 of the consequences for noncompliance with such requirements,
98 including, but not limited to, juvenile court referral.

99 (c) Participation in the pilot program is voluntary. Refusal to
100 participate shall result in the case being referred to the juvenile court
101 for processing and shall not disqualify the juvenile for nonjudicial case
102 disposition.

103 (d) A referred juvenile and the juvenile's parents or guardians shall
104 agree, in writing, to the tolling of the statute of limitations during the
105 period of program participation. Such consent shall specify the
106 consequences for discharge from the program.

107 (e) All records pertaining to participation by a juvenile in the pilot
108 program shall be maintained separately from adult arrest records and
109 shall be confidential pursuant to section 46b-124 of the general statutes,
110 as amended by this act. Records pertaining to the juvenile's
111 participation in the pilot program shall not be disclosed to the juvenile

112 court without the consent of the juvenile, the juvenile's parents or
113 guardians and counsel for the juvenile.

114 (f) If a juvenile fails to successfully complete the pilot program or is
115 arrested for a new offense, a local police authority may refer the case to
116 the juvenile court.

117 (g) When failure to successfully complete the pilot program results
118 in a referral to the juvenile court, such referral shall be initially
119 presented to the juvenile court as a formal judicial proceeding. After
120 presentment, the juvenile shall have access to all appropriate
121 dispositional alternatives, as provided by law or court rule, including,
122 but not limited to, nonjudicial disposition.

123 (h) Upon successful completion of the pilot program, all charges
124 against the juvenile shall be expunged. Records pertaining to the
125 juvenile's participation in the program shall not be available for public
126 disclosure and shall be immediately erased.

127 (i) Any statement made by a juvenile or the juvenile's parents or
128 guardians in connection with the juvenile's participation in the
129 program shall not be admissible against the juvenile in any court
130 proceeding relative to that charge subject to the juvenile review board
131 proceeding.

132 Sec. 3. Subsection (d) of section 46b-124 of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2005*):

135 (d) Records of cases of juvenile matters involving delinquency
136 proceedings shall be available to (1) judicial branch employees who, in
137 the performance of their duties, require access to such records, and (2)
138 employees and authorized agents of state or federal agencies involved
139 in (A) the delinquency proceedings, (B) the provision of services
140 directly to the child, or (C) the design and delivery of treatment
141 programs pursuant to section 46b-121j. Such employees and
142 authorized agents include, but are not limited to, law enforcement

143 officials, state and federal prosecutorial officials, school officials in
144 accordance with section 10-233h, court officials including officials of
145 both the regular criminal docket and the docket for juvenile matters,
146 officials of the Division of Criminal Justice, the Division of Public
147 Defender Services, the Department of Children and Families, the Court
148 Support Services Division, the Board of Pardons and Paroles and
149 agencies under contract with the judicial branch, and an advocate
150 appointed pursuant to section 54-221 for a victim of a crime committed
151 by the child. Such records shall also be available to (i) the attorney
152 representing the child, including the Division of Public Defender
153 Services, in any proceeding in which such records are relevant, (ii) the
154 parents or guardian of the child, until such time as the subject of the
155 record reaches the age of majority, (iii) the subject of the record, upon
156 submission of satisfactory proof of the subject's identity, pursuant to
157 guidelines prescribed by the Office of the Chief Court Administrator,
158 provided the subject has reached the age of majority, (iv) law
159 enforcement officials and prosecutorial officials conducting legitimate
160 criminal investigations, and (v) a state or federal agency providing
161 services related to the collection of moneys due or funding to support
162 the service needs of eligible juveniles, provided such disclosure shall
163 be limited to that information necessary for the collection of and
164 application for such moneys. Records disclosed pursuant to this
165 subsection shall not be further disclosed, except that information
166 contained in such records may be disclosed in connection with bail or
167 sentencing reports in open court during criminal proceedings
168 involving the subject of such information. Records pertaining to
169 participation by a juvenile in the pilot program established pursuant to
170 section 1 of this act shall be available to: (1) Service providers utilized
171 by the pilot program to deliver direct services to the juvenile, and (2)
172 service providers or counseling professionals providing service to the
173 juvenile in connection with the pilot program.

174 Sec. 4. (*Effective July 1, 2005*) The sum of two hundred twenty-five
175 thousand dollars is appropriated to the Judicial Department, from the
176 General Fund, for the fiscal year ending June 30, 2006, to implement

177 the pilot program established in section 1 of this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	46b-124(d)
Sec. 4	<i>July 1, 2005</i>	New section